



RENTAL HOUSING LICENSE PROGRAM

City of Westminster

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Westminster, MD 21157

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Westminster's Rental Housing License Program

Frequently Asked Questions

Q: Does the City of Westminster have a Rental Housing License Program?

A: Yes. Ordinance No. 839, creating the Rental Housing License Program, was approved by the Mayor and Common Council on January 28, 2013. The program becomes effective June 1, 2013. The final approved ordinance was the result of the efforts of the City's Rental Licensing Task Force that began work on this issue in 2012.

Q: Is a license needed to operate a rental unit (single-family, duplex, townhouse, apartment, condominium, rooming/boarding house, etc.) in the City of Westminster?

A: Yes, effective June 1, 2013.

Q: Is there a fee for a rental license and when is the fee due?

A: Yes. The annual license fee is \$20 per unit. A completed Rental Housing License Application, along with the required fee, is due by June 30, 2013. However, for the first year of the program, the timely filing period was extended to July 31, 2013. Rental license fees will not increase prior to June 1, 2016 and the payment of license fees is not prorated. Property owners may submit completed Rental Housing License Applications and pay the required fees prior to June 1, 2013 if they so desire.

Q: What if I am late in applying for and paying my rental license fee?

A: Higher license fees apply to applications that are filed late. June 1st of each year is the start date. With the exception of the first year of the Rental Housing License Program, the annual license fee per unit for late filings follows:

- \$30 if the application is filed up to 30 days late.
- \$50 if the application is filed between 31-60 days late.
- \$100 if the application is filed between 61-90 days late.
- \$150 if the application is filed between 90-120 days late.
- \$250 if the application is filed between 121-365 days late.
- \$350 if the application is filed over one year late.
- \$450 if the application is filed over two years late.

Q: Where do I get additional information and apply for my rental license?

A: Information and applications will be mailed out to property owners that may be affected by the Rental Housing License Program in February 2013. Information is available on the City's website at www.westminstermd.gov and applications are available on the City's

website under Online Services – Forms and Applications – Rental Licensing Program. You may also call the Rental Housing License Program office at 410-848-9000.

Q: Does a Rental Housing License Application have to be submitted for every rental unit?

A: Yes. However, a property owner with four or more units at the same address is required to complete only one Rental Housing License Application, and may use the Continuation Sheet to list and provide the required specific information for each rental unit.

Q: Can a rental license be revoked or denied?

A: Yes. A rental license can be revoked or denied by the Code Official if a property owner, after notice from the City, fails to correct violations of the City's Property Maintenance Code. A rental license may also be revoked or denied if a property owner provides false or misleading information on an application. If a rental license is revoked or denied, the property owner is required to immediately provide notice to the tenants that they must vacate the rental unit within sixty (60) days of the notice.

Q: What is considered a rental unit in the City of Westminster?

A: A dwelling, dwelling unit or portion thereof, including a rooming/boarding house, is considered a rental unit in Westminster if it is occupied by any person other than the property owner in exchange for any compensation or monetary remuneration. The rental unit could be a single-family home, duplex, townhouse, apartment, condominium, boarding/rooming house, etc.

Q: Are licensed rental units inspected?

A: All rental units are subject to inspection in the event a complaint is filed with the City. A complaint includes any statement made by an individual or a Federal, State, County or City department, agency or code official. The complaint may be received by the City in any manner, including but not limited to telephone, mail, email or in person.

Q: When is a resident agent required?

A: If no owner resides at the property address or within 50 miles of the property, the owner of record shall designate on the Rental Housing License Application the name of a local agent residing within 50 miles of Westminster. The owner of record is required to keep agent information current at all times.

Q: How do I file a complaint?

A: The Rental Housing License Program includes a "complaint driven" inspection process. You may file a complaint in by telephone, mail, email or in person. Call the Rental Housing License Program office at 410-848-9000 to report the problem(s). To make a complaint by mail or in person, the City offices are located at 56 W. Main Street in downtown Westminster. To file a complaint electronically, go to Online Services - Client Services Request – on the City's website at www.westminstermd.gov and file the complaint.

Q: What happens once a complaint is filed with the City?

A: Upon receipt of a complaint, The Code Enforcement Inspector will make an inspection of the property after seeking permission from the tenant or property owner to enter the rental unit. If violations are found, the Code Enforcement Inspector will provide the property owner with a notice of violation and a timeframe to correct the violation(s). If the violations are resolved within the timeframe, the matter is closed. If not, then the Code Enforcement Inspector will issue a citation and request a court date. The City may also revoke and/or deny the license, abate the violation and bill the property owner, and also reserves the option to seek a court injunction to gain compliance.

Q: What will happen when the Code Enforcement Inspector responds to a complaint?

A: The Code Enforcement Inspector will investigate the complaint, make a cursory inspection of life/safety issues in the rental unit, take notice of any violations in plain view, request permission of the tenant to conduct a “pass-fail” inspection of the unit and investigate any other issues the tenant may bring to his attention. The “pass-fail” inspection would only be conducted if permission is granted by the tenant and would be at no cost to the property owner. If permission is not granted by the tenant, the “pass-fail” inspection could not be completed until such time as the City obtains either the property owner’s permission or approval of an administrative warrant.

Q: Does a property owner or tenant have to provide access to the Code Enforcement Inspector to make an inspection based on a complaint?

A: No. The property owner or tenant may require the City to obtain an administrative warrant to allow for inspection and/or re-inspection of the rental unit. The Code Enforcement Inspector may not inspect a rental unit, absent an administrative warrant, without permission from either the property owner or tenant.

Q: What will the “pass-fail” inspection include?

A: The “pass-fail” inspection will utilize a well-publicized inspection checklist and is expected to take no more than 30 minutes to complete. The “pass-fail” inspection will include at minimum a review of items pertaining to cleanliness and sanitation, working appliances and equipment, safety and the seven non-negotiable items identified by the Task Force as part of their initial report. Those seven items include:

- Working smoke detectors in all sleeping areas
- GFI receptacles in kitchens and bathrooms as required by code.
- Adequate bathroom ventilation (vents or windows).
- Working plumbing (i.e. no leaking faucets, drains, toilets, showers, etc.).
- Working heating system (and air conditioning system if present in the unit).
- Discharge pipe on hot water heater.
- No bed bug, pest or rodent infestation.

Q: Who is responsible for making repairs and correcting violations?

A: The property owner is responsible to see that violations are corrected and repairs are completed by the deadline dates established.

Q: Does the tenant have to give the property owner permission to make repairs?

A: Yes. The onus is on the tenant of a rental unit to provide access to the property owner or his/her agent or employee for the purposes of making necessary repairs.

Q: What does Habitual Offender status mean?

A: A Habitual Offender is a person owning a residential unit, who paid a fine or has been found guilty of violating provisions of the City's Property Maintenance Code on three (3) separate occasions within a 12 month period. If an owner of property becomes a Habitual Offender, all fines levied by the City are tripled and the annual license fee for a rental dwelling unit that is the subject of the Habitual Offender designation would be \$500 per unit per year. A person deemed to be a Habitual Offender will not lose the designation by transferring ownership to an entity in which they have an interest.

Q: Is there a "sunset" provision in the Rental Housing License Program legislation?

A: Yes. The Rental Housing License Program ends on May 31, 2016, unless the program is extended by action of the Mayor and Common Council.

Q: What is the purpose of the Board of Housing Appeals?

A: A three-member Board of Housing Appeals was created to hear administrative appeals in connection with the Rental Housing License Program. The Board of Housing Appeals will hear appeals of a notice of violation or an action or determination of the Code Official other than issuance of a municipal infraction.

Q: Is a property owner still required to register a rental property in Westminster?

A: Yes. However, property owners who obtain a rental license and provide the required information on the application shall be deemed to have complied with the City's registration requirements.

Q: Can the City do anything about tenants that are behind on their rent, are damaging the unit or any related action?

A: The City can issue a citation to a tenant for poor housekeeping. However, the property owner is still responsible to insure that the damage is corrected and that the dwelling remains in habitable condition.

Q: Must the rental license be posted in a rental unit?

A: No. A rental license must only be produced by a property owner on demand of a tenant or prospective tenant or by an authorized agent of the City.

Q: Do rental units in Westminster have to be in compliance with Maryland Department of the Environment (MDE) Lead Poisoning Prevention requirements in order to be licensed?

A: Yes. All licensed rental units in Westminster must be in compliance with MDE Lead Poisoning Prevention requirements. The required MDE Lead Poisoning Prevention compliance information for each rental unit must be included in Section 4 of the Rental Housing License Application or on the Continuation Sheet. Additional information

concerning MDE Lead Poisoning Prevention requirements may be obtained from the MDE website at www.mde.state.md.us or by calling 410-537-4199 or 1-800-633-6101.

Q: Will the Rental Licensing Program affect the eviction process?

A: Yes. Based on the 2010 decision of the Maryland Court of Appeals in the case of *McDaniel vs. Baranowski*, landlords in jurisdictions with rental licensing programs may only evict a tenant if the rental unit is properly licensed prior to the eviction action. A landlord “must affirmatively plead and demonstrate that he is properly licensed at the time of the filing of the complaint for summary ejectment in order to initiate the summary ejectment process”. Based on the adoption of Ordinance No. 839, this case will affect rental properties in Westminster effective June 1, 2013.

Q: Who can I contact for tenant/landlord disputes?

A: Contact your attorney since this is a civil matter or the landlord/tenant hotline at 410-243-6007.

Q: How do I get further information about the Rental Housing License Program?

A: Contact the Rental Housing License Program office at 410-848-9000.

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